

**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled CHROMIUM/BIOTIN TREATMENT OF DYSLIPIDEMIA AND DIET-INDUCED POST PRANDIAL HYPERGLYCEMIA; the specification of which was filed on **February 27, 2002** as Application Serial No. **10/090,038**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/271,881

Filing Date: February 27, 2001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **James R. Komorowski**

Inventor's signature James R. Komorowski

Date April 10, 2002

Residence: **Trumbull, CT**

Citizenship: **United States**

Post Office Address: **83 Bunker Hill Drive, Trumbull, CT 06611**

Full name of second inventor: **Jon de la Harpe**

Inventor's signature J. de la Harpe

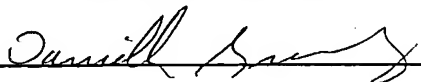
Date 11th April 2002

Residence: **New York, NY**

Citizenship: **South Africa**

Post Office Address: **60 E. 8th Street, Apt. 6D, New York, NY 10003**

Full name of third inventor: **Danielle Greenberg**

Inventor's signature 

Date 4/12/02

Residence: **Waccabuc, NY**

Citizenship: **United States**

Post Office Address: **90 Chapel Road, Waccabuc, NY 10597**

Full name of fourth inventor: **Vijaya Juturu**

Inventor's signature J. Vijaya

Date 04/09/02

Residence: **Dobbs Ferry, NY**

Citizenship: **India**

Post Office Address: **200 Beacon Hill Drive, Apt. 3J, Bldg. 3, Dobbs Ferry, NY 10522**

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Send Correspondence To:
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995

NUTRI.023A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Komorowski et al.)
)
App. No. : 10/090,038)
)
Filed : February 27, 2002)
)
For : CHROMIUM/BIOTIN TREATMENT OF)
DYSLIPIDEMIA AND DIET-INDUCED POST)
PRANDIAL HYPERGLYCEMIA)
)
Examiner : Unknown)
)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone

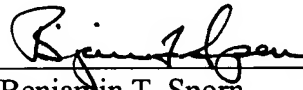
App. No. : 10/090,038
Filed : February 27, 2002

(949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

NUTRITION 21, INC.

Dated: April 30, 2002

By: 
Benjamin T. Sporn

Title: Senior Vice President, General Counsel
and Secretary

Address: 4 Manhattanville Road, Suite 202
Purchase, NY 10577-2197

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Application No.: ~~10/001,322~~ 10/090,038
Filing Date: ~~October 31, 2001~~ February 27, 2002

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PATENT
Client Code: NUTRI.023A
Page 1

ASSIGNMENT

WHEREAS, We, James R. Komorowski, a United States citizen, residing at 83 Bunker Hill Drive, Trumbull, CT 06611, Jon de la Harpe, a South African citizen, residing at 60 E. 8th Street, Apt. 6D, New York, NY 10003, Danielle Greenberg, a United States citizen, residing at 90 Chapel Road, Waccabuc, NY 10597, and Vijaya Juturu, a citizen of India, residing at 200 Beacon Hill Drive, Apt. 3J, Bldg. 3, Dobs Ferry, NY 10522, have invented certain new and useful improvements in a ~~METHODS AND COMPOSITIONS FOR THE IMPROVEMENT OF INSULIN SENSITIVITY, REDUCTION OF HYPERGLYCEMIA, AND REDUCTION OF HYPERCHOLESTEROLEMIA WITH CHROMIUM COMPLEXES AND ALPHA-LIPOIC ACID~~ for which we have filed an application for Letters Patent in the United States, Application No. 10/090,038, filed February 27, 2002; ~~CHROMIUM/BIOTIN TREATMENT OF DYSLIPIDEMIA AND DIET-INDUCED POST PRANDIAL HYPERGLYCEMIA~~

AND WHEREAS, Nutrition 21, Inc. (hereinafter "ASSIGNEE"), a New York Corporation, with its principal place of business at 4 Manhattanville Road, Suite 202, Purchase, NY 10577-2197, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 10th day of April, 2002.

James R. Komorowski
James R. Komorowski

STATE OF NEW YORK }
COUNTY OF WESTCHESTER } ss.

On APRIL 10, 2002 before me, ROSALEE J. GOLCZEWSKI personally appeared James R. Komorowski personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL] ROSALEE J. GOLCZEWSKI
Notary Public, State of New York
Reg. #: 01GO6015289
Qualified in Westchester County
Commission Expires 10/26/2008

Rosalee J. Golczewski
Notary Signature

Application No.: ~~10/001,322~~ 10/090,038
Filing Date: ~~October 31, 2001~~ February 27, 2002

COPY

PATENT
Client Code: NUTRI.023A
Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 11th day of April, 2002

Jon de la Harpe

Jon de la Harpe

STATE OF Maryland

COUNTY OF Montgomery

ss.

On April 11, 2002 before me, Susan M. Graham personally appeared Jon de al Harpe personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity(ies), and that by her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Susan M. Graham

Notary Signature

My Commission Expires 12/1/05

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 25 day of April, 2002

Danielle Greenberg
Danielle Greenberg

STATE OF New York
COUNTY OF Westchester] ss.

On April 25, 2002, before me, Danielle Greenberg, personally appeared Danielle Greenberg personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity(ies), and that by her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Mabel Alva Baer
Notary Signature
MABEL ALVA BAER
Notary Public, State Of New York
Registration #01AL6029912
Qualified In Westchester County
My Commission Expires Aug. 30, 2005

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 9 day of APRIL, 2002

Vijaya Juturu

J. Vijaya

STATE OF NEW YORK ss.
COUNTY OF WESTCHESTER

On APRIL 9, 2002, before me, ROSALEE J. GOLCZEWSKI, personally appeared Vijaya Juturu personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity(ies), and that by her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Rosalee J. Golczewski
Notary Signature

ROSALEE J. GOLCZEWSKI
Notary Public, State of New York
Reg. #: 01GO6015289
Qualified in Westchester County
Commission Expires 10/26/2008